

**Access to Justice Commission
Sixth Judicial District Local Pro Bono Committee
Amended Annual Report for the Period
February, 2008 through January, 2009**

I. MEMBERSHIP AND ORGANIZATION REPRESENTED

Name of Organization: Sixth Judicial District Local Pro Bono Committee

Chairperson: Hon. H. R. Quintero, Chief Judge, Division I

Members: Barbara Raif & Alicia Clark, NM Legal Aid
Cynthia J. Patterson, Esq.
Amy C. DeLaney-Hernandez, Esq.
David M. Lopez, Esq.
Canon Stevens, Esq.
Hon. V. Lee Vesely, Retired District Judge
Peter A. Keys, Esq.
John D. Watson, Spc. Asst. Atty. General, CSED
(who replaced Joy Goldbaum, Spc. Asst. Atty.
General, CSED)
Kathleen Price Watson, Esq.
Janay Haas, PAI Coordinator, NM Legal Aid
Nita Taylor, Pro Bono Coordinator

II. MISSION STATEMENT

See Annual Report for the Period May, 2007 to January, 2008

III. NEEDS ASSESSMENT AND PRIORITY AREAS

A through D: **See Annual Report for the Period May, 2007 to January, 2008.**

IV. SHORT TERM GOALS AND PRIORITIES (NEXT 6 MONTHS) TO ADDRESS THE PRIORITY LEGAL NEEDS AND TO ENCOURAGE LAWYERS TO PARTICIPATE

A through B: **See Annual Report for the Period May, 2007 to January, 2008.**

V. LONG TERM GOALS AND OBJECTIVE (NEXT 2 YEARS) TO ADDRESS

PRIORITY LEGAL NEEDS AND TO ENCOURAGE LAWYERS TO PARTICIPATE

A. Briefly describe the plan to develop activities and programs to expand the utilization of voluntary pro bono attorney resources to address the civil legal needs of persons of limited means in the district: with a combination of hours of legal services or hours in public forums on legal issues, we expect the public to either: 1) receive legal services not involving extensive litigation; or 2) be educated on their legal rights; and 3) be informed as to how and where to obtain counsel to be paid by contingency fee agreements or by the statutory provision such as those in consumer protection statutes. As of January, 2009, we have a committee of attorney's ready, able and willing to review requests for pro bono services, to screen those requests and refer the matter to legal aid with recommendations as to which attorney's may be able to assist.

B. Briefly describe the plan to address obstacles to voluntary pro bono service by lawyers in the district and describe long term recruitment plans: few attorneys in this District, small number of practitioners. We have, as of January, 2009, completed a survey of attorneys in the Sixth Judicial District, realized a 63% response rate and, as a result, have a pool of 26 attorneys willing and able to provide pro bono services to our low income population in Grant, Luna and Hidalgo Counties. Of those expressing an unwillingness or inability to volunteer time to this effort, the majority were government attorneys who claimed a restriction by law from representing individuals in a private capacity. The District Committee continues to address the manner in which government attorneys can contribute. Please see Attachment A for the initial letter sent to the district's attorney population, Attachment B for the Survey Instrument and Attachment C for the Thank-you/follow up memorandum.

VI. FUNDING REQUIREMENTS

A. Briefly describe 2009 funding requirements for resources needed to further implement your pro bono plan, and the resulting detriment to your program without such funding. (There is no guarantee that funding can be made available.) Create video materials which teach pro bono's how to present themselves in court.

VII. RESOURCES COMMITTED BY THE DISTRICT PRO BONO COMMITTEE PARTICIPANTS

A. List the participant and nature of resources committed to the district voluntary pro bono attorney plan by all legal assistance providers that are to participate in the district pro bono plan and provide coordination and administrative support to pro bono attorneys in the district. **Legal Aid of New Mexico who committed both local attorneys to guide the Pro Bono Project and to be the screening agent. As of January, 2009, a sub-committee of private attorneys is ready to assist legal aid in screening, evaluating requests and recommending counsel for pro bono assignments.**

B. Where more than one legal aid provider organization exists within the district, describe the plan for cooperation and coordination that avoids duplication among such providers: **not applicable.**

VIII. SUPPORT FOR PRO BONO ACTIVITIES

A. In implementing the district pro bono plan, the following support services are available (check all available). Please provide brief description of activities for all check responses.

(X) Providing intake, screening and referral of prospective clients.

See above narrative.

(X) Matching cases with individual attorney expertise, including establishment of specialized panels.

District sub-committee will evaluate requests and Legal Aid will attempt to match requests with available attorney.

(X) Providing resources for litigation and out-of-pocket expenses for pro bono cases.

Not available.

(X) Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono legal services.

The District Committee is considering providing basic training in specialized areas of law to encourage expansions of practice including unfair trade practices, insurance practices and consumer protection statutes.

UNM School of Law sponsored the first of a series of MCLE lawyer trainings in Silver City in October, on housing discrimination. More MCLE trainings will follow as will non-MCLE training on discrete representation projects by New Mexico Legal Aid.

(X) Providing availability of consultation with attorneys who have expertise in areas of law with respect to which a volunteer lawyer is providing pro bono legal service.

We hope to develop a mentoring program to assist attorneys to expand their past practice in the interest of the pro bono program.

(X) Providing malpractice insurance for volunteer pro bono lawyers with respect to their pro bono legal service.

Not available unless provided by statute.

(X) Establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction.

Procedures to be established by District Committee.

(X) Recognizing pro bono legal service by lawyers.

Should be established.

() Other.

B. Describe any other significant services being provided for pro bono activities.

IX. PRO BONO SERVICE OPPORTUNITIES

A. The district pro bono plan offers the following opportunities through which lawyers can participate in providing pro bono legal service to persons of limited

means (check all that apply): Please provide brief description of activities for all checked responses.

(X) Representing clients through case referral.

See narrative above.

(X) Interviewing prospective clients.

To be done by pro bono attorney volunteer.

(X) Acting as co-counsel on cases or matters with legal aid providers and other pro bono lawyers.

(X) Providing consultation services to legal aid providers for case reviews and evaluations.

(X) Providing limited representation.

(X) Providing pro se assistance.

(X) Conducting a clinic for self-represented litigants.

() Participating in policy, systemic advocacy, and activities which improve the law and the legal system.

(X) Providing training to staff of legal aid providers and other pro bono attorneys.

(X) Making presentations to groups of persons of limited means regarding their rights and obligations under the law.

() Providing legal research.

() Providing guardian ad litem services.

() Providing mentoring to law students and new lawyers.

(X) Providing public education.

Through clinics and periodic public information “news” releases.

() Providing assistance in the formation and operation of legal entities for groups of persons of limited persons.

() Participating in Bar committees or on boards of pro bono committees or legal service programs.

(X) Serving as mediator or arbitrator at no fee to the client-eligible party.

Local District Court Judges are already providing mediation services as time allows for those in need of pro bono services.

B. List other pro bono service opportunities provided under the district pro bono plan: **N/A.**

C. Describe the activities under the pro bono plan designed to encourage lawyers who cannot or do not choose to contribute their time to pro bono legal service to persons of limited means to make monetary contributions in order to satisfy their pro bono professional responsibility: **The Committee has been discussing the problem of government attorneys who resist involvement due to perceived restrictions and we expect to recruit them to provide assistance by using**

them for general legal education conferences throughout the district several times a year on matters of general public interest.

X. NUMBER OF PERSONS BENEFITTED BY PRO BONO EFFORTS

A. Providing the number of persons seeking pro bono assistance during the report period. **Not yet available.**

B. Of the persons seeking pro bono assistance, provide the number who actually received appropriate legal assistance, and describe the nature of assistance provided, such as:

() Referral to pro bono private attorney

N/A

() Referral to legal aid service provider.

N/A

() Referral to clinic.

N/A

C. Of the persons who received appropriate legal assistance, what is the total number of persons who benefitted from the assistance, for example, if the client needed help defending against an eviction and four persons lived in the dwelling, then four people would have benefitted from the legal assistance. **N/A.**

D. Describe the logistics of operations, e.g., tracking calls, doing a conflict-of-interest check, screening for income eligibility, making appropriate referrals (to pro bono attorneys, to legal aid providers, to social service agencies, etc.), following up on referrals to ensure clients don't fall through the cracks, tracking the number of cases opened and closed during the reporting period, etc. **Legal Aid will be the first to determine if it has a conflict of interest when a pro bono request is made. If so, an independent sub-committee will evaluate, screen and make the referral to a private attorney or service agency. Statistical data will be maintained by the joint services of Legal Aid and the sub-committee of the District committee.**

XI. PRO BONO ATTORNEY INVOLVEMENT

A. Provide a list of lawyers who signed up to participate in the program to provide pro bono legal service to persons of limited means, and a list of lawyers who actually provided legal assistance to a person of limited means.

The lawyers responding positively to our attorney survey are:

**Deborah Cilento-Foran
Alicia Clark
Jennifer E. DeLaney
Amy C. DeLaney-Hernandez
Jonathan M. Diener
Daniel B. Dietzel
Jim Foy
David H. Gorman
Frederick S. Graham
Edward L. Hand
Curtis G. Hayes
The Hon. Norman Hodges
Jarod K. Hofacket**

**Peter A. Keys
David M. Lopez, Sr.
Mary Lynne Newell
Cynthia J. Patterson
Barbara Raif
Michael R. Renteria
James H. Reynolds
Canon Stevens
Frederick H. Sherman
Robert F. Turner
The Hon. V. Lee Vesely
Kathleen Price Watson**

B. Provide a list of lawyers who participated in conducting clinics. **We did not conduct clinics in the 6th Judicial District in 2008.**